

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JORGE DOMINGUEZ-TORRES,

Petitioner,

v.

Case No. 14-cv-1255-pp

BRIAN FOSTER,

Respondent.

**ORDER CLOSING CASE FOR ADMINISTRATIVE PURPOSES WITH THE
RIGHT TO REOPEN UPON EXHAUSTION**

On October 9, 2014, the petitioner filed a petition for a writ of *habeas corpus* under 28 U.S.C. §2254. Dkt. No. 1. The case was reassigned to this court on August 2, 2016.

After this court set a briefing schedule, the petitioner filed a motion, asking the court to stay the federal proceedings so that he could exhaust his remedies in state court. Dkt. No. 24. About a week later, the court received the petitioner's amended motion to stay federal proceedings. Dkt. No. 25. The court granted the amended motion on September 21, 2016, and stayed the federal case. Dkt. No. 27. In its order, the court ordered the petitioner to file status reports every ninety days to let this court know the progress of his state litigation. Id. The petitioner since has filed several status reports, the last of which arrived on February 21, 2018. Dkt. No.33. In that last status report, the

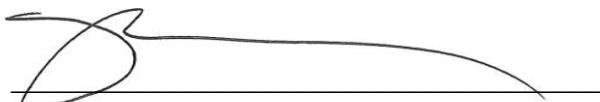
petitioner reported that he was still waiting for the state courts to finish ruling on his state court remedies.

The court applauds and thanks the petitioner for filing his status reports every ninety days. Given how long the state proceedings are taking, however, rather than requiring the petitioner to continue filing updates, the court is going to **administratively** close the petitioner's case, with the parties retaining all the rights they would have had had the case not been closed for administrative purposes, until the petitioner notifies the court that his state court proceedings have finished. As soon as the state court litigation is complete, the petitioner may file a one-sentence motion, asking the court to lift the stay and reopen his case. The court will grant that motion immediately, and the filing date will remain October 9, 2014. (In other words, the administrative closure and subsequent reopening do not change the fact that, for statute of limitations purposes, the petitioner filed his petition on October 9, 2014).

The court **ORDERS** the clerk of court to **CLOSE** this case for administrative purposes.

Dated in Milwaukee, Wisconsin this 1st day of March, 2018.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge